



NATIONAL ASSOCIATION
OF REALTORS®

The Voice for Real Estate®

National Association of REALTORS®
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Federal Trade Commission
Office of the Secretary
Room H-159 (Annex K)
600 Pennsylvania Ave, N.W.
Washington, D.C. 20580

Re: Prerecorded Message EBR Telemarketing, **Project No. R411001**, 69 Federal Register
221, 67287-67294 (November 17, 2004)

Dear Sir or Madam:

The NATIONAL ASSOCIATION OF REALTORS® (NAR) appreciates this opportunity to comment on the Federal Trade Commission's (FTC) proposed amendments to the Telemarketing Sales Rule (TSR) to add a new call abandonment safe harbor for prerecorded messages. The NAR is America's largest trade-membership association representing more than 1 million members, including NAR's institutes, societies and councils, involved in all aspects of the residential and commercial real estate industries, and therefore has a significant interest in the outcome of this rulemaking process.

NAR supports the Commission's proposal to create an additional call abandonment safe harbor to allow telemarketing calls that deliver a prerecorded message to consumers with whom the seller on whose behalf the calls are made has an established business relationship. While we respect the Commission's responsibility to preserve consumer's ability to assert "Do-Not-Call" rights when receiving a prerecorded telemarketing call, we have some concerns about promulgating rules with rigidly mechanical standards such as providing the called party with an opportunity to speak to a sales representative during the message by pressing a button on the telephone keypad.

Instead, we urge the Commission to adopt the Federal Communication Commission's rule provision which allows prerecorded messages to provide a toll-free number that consumers may

call to make a “Do-Not-Call” request.¹ We believe this approach properly protect consumer’s right to assert their “Do-Not-Call” rights while not imposing additional regulatory compliance costs associated with integrating an interactive feature such as “Press ‘O’ to speak to a sales representative.” Furthermore, adoption of the FCC’s approach reduces compliance confusion among telemarketers who would be subject to the jurisdiction of both the FTC and FCC.

Thank you for the opportunity to present the views of the NATIONAL ASSOCIATION OF REALTORS®.

Sincerely,

/s/

Joseph M. Ventrone
Managing Director
Regulatory and Industry Relations Department

¹ The FCC’s prerecorded telemarketing rules under the Telephone Consumer Protection Act state in part, “During or after the message, state clearly the telephone number (other than that of the autodialer or prerecorded message player that placed the call) of such business, other entity, or individual. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. For telemarketing messages to residential telephone subscribers, such telephone number must permit any individual to make a do-not-call request during regular business hours for the duration of the telemarketing campaign.” 47 CFR 64.1200(b)(2).